



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Don Adams Excavating Company
File: B-258627
Date: October 21, 1994

DECISION

Don Adams Excavating Company protests the Department of Justice's action under solicitation No. X00-0194. Don Adams alleges that the agency sought bids in the Spring of 1994, with a start date of July, but has yet to make award. The protester asserts that better pricing is now available and the government should resolicit so that it and others can compete on the basis of current start date requirements.

The protest, as filed with our Office, does not establish a basis for challenging the agency's action and, accordingly, must be dismissed.

The jurisdiction of our Office is established by the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556 (1988). Our role in resolving bid protests is to ensure that the statutory requirements for full and open competition are met. Brown Assocs. Mgmt. Servs., Inc.--Request for Recon., B-235906.3, Mar. 16, 1990, 90-1 CPD ¶ 299.

To achieve this end, our Bid Protest Regulations require that a protest include a detailed statement of the legal and factual grounds of a protest, 4 C.F.R. § 21.1(c)(4), and that the grounds stated be legally sufficient. 4 C.F.R. § 21.1(e). These requirements contemplate that protesters will provide, at a minimum, either allegations or evidence sufficient, if uncontradicted, to establish the likelihood that the protester will prevail in its claim of improper agency action. Robert Wall Edge--Request for Recon., 68 Comp. Gen. 352 (1989), 89-1 CPD ¶ 335.

This protest does not include sufficient factual information to establish the likelihood that the agency here violated applicable procurement laws or regulations. Therefore, it must be dismissed without further action.

A handwritten signature in cursive script, reading "Paul Lieberman".

Paul Lieberman
Acting Associate General Counsel